

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

August 7, 2000

**D035199      People v. Hernandez**

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately.

**D035283      In re Jameson on Habeas Corpus**

The petition is denied.

**D033616      Diaz v. Board of Retirement for the San Diego County Employees Retirement Association**

The judgment is affirmed. Huffman, J.; We Concur: Work, Acting P.J., McIntyre, J.

**D033195      Anserv Insurance Services, Inc. et al. v. California Department of Insurance**

The judgment is affirmed. Costs are awarded to respondent. Huffman, J.; We Concur: Kremer, P.J., Nares, J.

**D035349      Donohoe v. Jennings**

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a). The appeal is dismissed.

**D036055      East-West Global Tours Corporation v. San Diego County Superior Court/Shi et al.**

The petition is denied.

**D034112      McWilliams v. Great American Health Plan**

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately. Each party to bear own costs on appeal.

**D035375      In re Shane B., a Juvenile**

The appeal is dismissed. McDonald, J.; We Concur: Work, Acting P.J., O'Rourke, J.

**D035546      In re Erica E. et al., Juveniles**

The appeal is dismissed. McDonald, J.; We Concur: Work, Acting P.J., O'Rourke, J.

**D035580      In re Nicholas V., a Juvenile**

The appeal is dismissed. McDonald, J.; We Concur: Work, Acting P.J., O'Rourke, J.

**D036068      Advance Checking v. Superior Court of San Diego County/Bank of America et al.**

The petition is denied. Petitioner's request for judicial notice is denied.

**D036101**

**Lange v. Superior Court of San Diego County/White et al.**

The petition is denied.

**D036102      People v. Superior Court of San Diego County/Singletary**

The petition is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

August 7, 2000 (Continued)

**D035811            In re McGee on Habeas Corpus**

The petition is denied.

**D033979            People v. Conlin**

Judgment affirmed. Huffman, J.; We Concur: Kremer, P.J., Work, J.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

August 8, 2000

**D036134        Smith v. Superior Court of San Diego County/Pro-Tec Marketing, Inc. et al.,**  
The petition is denied.

**D029860        Balascio et al. v. Eck et al.**  
**D030325        Balascio et al. v. Eck et al.**  
The petition for rehearing is denied.

**D034773        In re Diamond H., a Juvenile.**  
The opinion filed July 17, 2000, is ordered certified for publication.

**D032950        People v. Marano**  
The judgment is reversed. Kremer, P.J.; We Concur: Nares, J., McDonald, J.

**D033448        People v. Buckle**  
The judgment is reversed. McIntyre, J.; We Concur: Huffman, Acting P.J., Haller, J.

**D034135        Vista Irrigation District v. Viol, et al.**  
In light of the motion to consider additional evidence or for writ of coram vobis filed by Vista Irrigation District, the court is inclined to issue an order remanding the cause to superior court with directions to vacate the judgment and conduct further proceedings in light of the newly discovered evidence cited in the motion. Within 15 days of this notice, the parties shall indicate to the court either approval of the proposed order or a recommendation for a different order. Work, Acting P.J.

**D036136        People v. Fikes**  
As the denial of a petition for writ of habeas corpus is not appealable, the above entitled appeal is dismissed.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

August 9, 2000

**D035291        In re Stephen K., a Juvenile**

Judgment reversed. Kremer, P.J.; I Concur: Benke, J., Huffman, J.

**D033038        Hays v. IT Corporation et al.**

The summary judgment is reversed. The court is directed to vacate its order granting IT's motion for summary judgment and to enter a new order granting summary adjudication as to the age discrimination, wrongful termination in violation of public policy, intentional infliction of emotional distress, and negligent infliction of emotional distress causes of action and denying summary adjudication as to the breach of contract and breach of the implied covenant of good faith and fair dealing causes of action. Hays to recover costs on appeal. O'Rourke, J.; We Concur: McDonald, J., Nares, Acting P.J.

**D034420        People v. Ealy**

The judgment (order granting probation) is affirmed. Benke, Acting P.J.; We Concur: Huffman, J., Nares, J.

**D033347        Fire Insurance Exchange v. Hammond**

Submission in the above-entitled matter is vacated. In view of the supplemental briefs filed, this cause is resubmitted this day, August 9, 2000.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

August 10, 2000

**D036100 Department of Alcoholic Beverage Control v. Alcoholic Beverage Control Appeals Board/The Southland Corporation et al.**

The petition is denied.

**D034164 People v. Sykes**

The appellant's conviction on count 3 for receiving a stolen vehicle in violation of Penal Code section 496, subdivision (a) is reversed; the judgment is affirmed in all other respects. McDonald, J.; We Concur: Benke, Acting P.J., Nares, J.

**D033418 Remington Homeowners Association v. Ferguson**

The judgment is affirmed. Respondent shall recover its costs on appeal. McDonald, J.; We Concur: Huffman, Acting P.J., Haller, J.

**D035543 Michael P. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The petitions are denied. McDonald, J.; We Concur: Work, Acting P.J., O'Rourke, J.

**D036099 Department of Alcoholic Beverage Control v. Alcoholic Beverage Control Appeals Board/The Southland Corporation et al.**

The petition is denied.

**D033142 People v. Miller**

The judgment is affirmed. Work, Acting P.J.; We Concur: Haller, J., O'Rourke, J.

**D032046 People v. Cleveland**

**D035426 In re Cleveland on Habeas Corpus**

The pending petition for writ of habeas corpus In re Cleveland, D035426, is consolidated with the pending appeal People v. Cleveland, D032046, for disposition.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

August 11, 2000

**D036084      People v. Wright**

Appellant's request for certificate of probable cause having been denied and no appealable issues having been raised in compliance with California Rules of Court, rule 31(d), the appeal is dismissed.

**D035739      Weaver v. Chopra et al.**

Pursuant to California Rules of Court, rule 10(c), the appeal filed May 19, 2000, is dismissed for appellant's failure to timely designate the record.

**D034660      People v. Cornejo et al.**

Upon filing an abandonment of appeal, personally signed by the defendant Jesus Manzano, his appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 38).

**D032436      People v. Brandon**

Order modifying opinion and denying rehearing (No change in judgment).

**D034020      Fredrickson Enterprises, Inc. et al. v. Rancho Palo Verde Homeowners Association**

The summary judgment and order awarding attorney fees and other costs in favor of Fredrickson are reversed. HOA shall recover from Fredrickson its costs on appeal. Nares, J.;

We Concur: Work, Acting P.J., Benke, J.

**D031460      Kaufman and Broad of San Diego, Inc. v. San Coutts Plastering, Inc.**

We modify the judgment by adding \$36,500 to the total offset, thereby decreasing the judgment against Coutts to \$508,689.45. The remainder of the judgment is affirmed as modified. The parties shall bear their own costs on appeal. O'Rourke, J.; We Concur: Kremer, P.J., Nares, J.

**D035506      Jeanne L. v. San Diego County Superior Court/San Diego County Health and Human Services Agency**

The petition is denied. Work, Acting P.J.; We Concur: Benke, J., O'Rourke, J.

**D034575      People v. Hermosillo**

The judgment is affirmed. Nares, J.; We Concur: Work, Acting P.J., Haller, J.

**D032046      People v. Cleveland**

**D035426      In re Cleveland on Habeas Corpus**

The judgment is reversed, and the petition is dismissed as moot. Huffman, Acting P.J.;

We Concur: Haller, J., McDonald, J.

**D033181      People v. Ferris**

The opinion filed July 31, 2000, is ordered certified for publication with the exception of parts I, II, III, IV and VI.

**D034131      People v. Raymond**

The judgment is affirmed. Work, Acting P.J.; We Concur: Huffman, J., O'Rourke, J.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

August 11, 2000 (Continued)

**D034572        People v. Picaso**

The judgment is affirmed. Nares, J.; We Concur: Work, Acting P.J., Huffman, J.

**D036130        Catherine M. v. Superior Court of San Diego/San Diego County Health and Human  
Services Agency.**

The notice of intent is dismissed for lack of standing.

**D033669        Ramos et al. v. Countrywide Home Loans, Inc. et al.**

The petition for rehearing is denied.